

Towards strengthening a global anti-corruption regime

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My talk will cover the following three topics: OECD Anti-Bribery Convention criminalizing foreign bribery, UNCAC as an emerging framework for a global anti-corruption regime, and intersections of the issues of environment and corruption.

First I will brief the OECD Anti-Bribery Convention with specific focus on the supply-side regulation and the 2-phased follow-up system of the convention. My emphasis will be on relatively satisfactory records of Phase 1 control; many parties have taken corrective measures relatively in good faith following recommendations by the OECD Working Group. The Japanese government's record of three time-revision of its main domestic legislation of the Convention since the addition of the offence of foreign bribery indicates that the follow-up system functioned to certain extent as international control. Law enforcement records of the parties, on the other hand, have not been satisfactory except for the US. The G8 countries as a whole should put more energy on the law enforcement while Russia, the only country in G8 that is not the party to the Convention, has yet to ratify the convention ASAP.

Secondly, I will brief UNCAC. Conflicting interest between developed and developing countries over forms of review mechanism, assets recovery procedures and technical assistance has been an issue to be addressed. The existing different levels of economic development prevent parties from having common understanding of monitoring parties complying with UNCAC. Parties are divided over ways to institute a review mechanism into UNCAC system just as they are divided over addressing the issue of global warming. Developing countries are concerned about the possibility of applying same standards with those for developed countries to determine their compliance of the convention. TI supports the establishment of a rigorous review mechanism inspired out of its success experience of the OECD Convention. However, a more long-term perspective for a moderate view mechanism may be needed when consensus building take time. It does not mean however to discharge developing countries any responsibility towards going green.

Third, I will touch upon intersections of the two issues; environment and corruption, on which little focus has been put to date. Corruption in developing countries often causes illegal logging, illegal trafficking of endangered species, and environmental degradation. The developed world like G8 should consider ways to take measures that contribute to reducing corruption and reinforcing governance of developing countries.